

REC'D BY  
MBA

NOV 17 2011

**IN THE MATTER OF  
THE ORDERLY ANNEXATION AGREEMENT BETWEEN  
THE CITY OF REDWOOD FALLS AND PAXTON TOWNSHIP  
PURSUANT TO MINNESOTA STATUTES § 414.0325**

**JOINT RESOLUTION  
RESOLUTION NO. 32 OF 2011**

**IN THE MATTER OF THE ORDERLY ANNEXATION BETWEEN  
THE CITY OF REDWOOD FALLS AND PAXTON TOWNSHIP  
PURSUANT TO MINNESOTA STATUTES § 414.0325**

**WHEREAS**, the City of Redwood Falls ("City") and the Township of Paxton ("Township") do hereby designate for orderly annexation, in accordance with the agreements contained herein, the following described lands now located within Paxton Township, County of Redwood, Minnesota:

That part of the Northeast Quarter of Section 5, Township 112 North, Range 35 West, Redwood County, Minnesota, described as follows:

Commencing at the North Quarter Corner of Section 5; thence South 00 degrees 01 minutes 17 seconds West along the west line of the Northeast Quarter a distance of 910.00 feet to the point of beginning; thence North 89 degrees 55 minutes 12 seconds East on a line parallel to the north line of the Northeast Quarter of Section 5 a distance of 69.52 feet; thence South 00 degrees 01 minutes 28 seconds East a distance of 33.00 feet; thence North 89 degrees 55 minutes 12 seconds East a distance of 130.00 feet; thence North 00 degrees 01 minutes 28 seconds West a distance of 33.00 feet; thence North 89 degrees 55 minutes 12 seconds East a distance of 218.00 feet; thence North 45 degrees 01 minutes 03 seconds East a distance of 368.32 feet; thence North 00 degrees 01 minutes 02 seconds East a distance of 650.00 feet to a point on the north line of Section 5 being 678.00 feet east of the North Quarter corner of Section 5; thence North 89 degrees 55 minutes 12 seconds East a distance of 690.00 feet; thence South 00 degrees 01 minutes 03 seconds West a distance of 1000.00 feet; thence South 89 degrees 55 minutes 12 seconds West a distance of 1368.07 feet to the west line of the Northeast Quarter of Section 5; thence North 00 degrees 01 minutes 17 seconds East along said west line a distance of 90.00 feet to the point of beginning.

Contains 17.92 acres of land.

(hereafter, the "Annexed Property."); and

**WHEREAS**, the City and Township are in agreement as to the orderly annexation of the unincorporated land described above; and orderly annexation will be in the best interests of the Annexed Property; and

**WHEREAS**, Minnesota Statutes § 414.0325 provides a procedure whereby the City and Township may agree on a process of orderly annexation of a designated area; and

**WHEREAS**, on October 6, 2011 and October 27, 2011, a Notice of Intent to include the Annexed Property in an orderly annexation area was published pursuant to the requirements of Minnesota Statutes § 414.0325 Subd. 1b; and

**WHEREAS**, the Township and City have agreed to all the terms and conditions for the annexation of the Annexed Property within this document, and the signatories hereto agree that no alteration of the designated area is appropriate and no consideration by the Chief Administrative Law Judge is necessary. The Chief Administrative Law Judge may review and comment, but shall within thirty (30) days order the annexation in accordance with the terms of the resolution.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Redwood Falls and the Board of Supervisors of the Township of Paxton, jointly, as follows:

1. **Property.** That the following described lands in Paxton Township are subject to orderly annexation pursuant to Minnesota Statutes § 414.0325, and that the parties hereto designate those areas for orderly annexation, to wit:

That part of the Northeast Quarter of Section 5, Township 112 North, Range 35 West, Redwood County, Minnesota, described as follows:

Commencing at the North Quarter Corner of Section 5; thence South 00 degrees 01 minutes 17 seconds West along the west line of the Northeast Quarter a distance of 910.00 feet to the point of beginning; thence North 89 degrees 55 minutes 12 seconds East on a line parallel to the north line of the Northeast Quarter of Section 5 a distance of 69.52 feet; thence South 00 degrees 01 minutes 28 seconds East a distance of 33.00 feet; thence North 89 degrees 55 minutes 12 seconds East a distance of 130.00 feet; thence North 00 degrees 01 minutes 28 seconds West a distance of 33.00 feet; thence North 89 degrees 55 minutes 12 seconds East a distance of 218.00 feet; thence North 45 degrees 01 minutes 03 seconds East a distance of 368.32 feet; thence North 00 degrees 01 minutes 02 seconds East a distance of 650.00 feet to a point on the north line of Section 5 being 678.00 feet east of the North Quarter corner of Section 5; thence North 89 degrees 55 minutes 12 seconds East a distance of 690.00 feet; thence South 00 degrees 01 minutes 03 seconds West a distance of 1000.00 feet; thence South 89 degrees 55 minutes 12 seconds West a distance of 1368.07 feet to the west line of the Northeast Quarter of Section 5; thence North 00 degrees 01 minutes 17 seconds East along said west line a distance of 90.00 feet to the point of beginning.

Contains 17.92 acres of land.

2. **Acreage/Population/Usage.** That the Annexed Property consists of approximately 17.92 acres, the population in the subject area is zero, and the land use type is currently agricultural.

3. **Jurisdiction.** That the Township and the City, by submission of this joint resolution to the Municipal Boundary Adjustment Unit of the Office of Administrative Hearings, confers jurisdiction upon the Chief Administrative Law Judge so as to accomplish said orderly

annexation of the Annexed Property in accordance with the terms of this resolution and Minnesota Statutes § 414.0325.

4. **Need.** The Annexed Property is urban or suburban in character, or about to become so, and since the City is capable of providing services to this area within a reasonable time, the annexation would be in the best interests of the Annexed Property. The Annexed Property is currently used for agricultural purposes. Titan Machinery Inc., a Delaware corporation, purchased the property on October 3, 2011 and thereafter petitioned the City and Township to annex the Annexed Property into the City to facilitate the construction and operation of a commercial farm implement and machinery sales and servicing commercial business. The parties agree and acknowledge the City infrastructure, with nearby and available water and sanitary sewer structures, is necessary for the safe operation of the proposed business on the Annexed Parcel.

5. **Conditions.**

a. This resolution is for the sole purpose of immediate annexation of the Annexed Property. No other lands now in the Township shall be subject to this joint resolution. This resolution shall not be construed to allow, nor is it the intent of the parties, that any parcel which solely abuts the Annexed Property but does not otherwise abut the city limits, would qualify for annexation by ordinance pursuant Minnesota Statutes § 414.033.

b. The City agrees to exclude the Annexed Property from the acres used to calculate the amount due under the fire service contract with the Township for years 2012 and thereafter.

6. **Planning.** The Township and the City agree that the City of Redwood Falls will extend its zoning and subdivision regulations to include the Annexed Property, and that the Annexed Property shall be rezoned under City of Redwood Falls Ordinance § 11.42 to "B-3 Auto-Oriented Business District. The parties agree and acknowledge this zoning designation is appropriate considering: (1) the proposed use of the Annexed Property, and; (2) the current use, development and character of neighboring parcels. This zoning designation is consistent with the City of Redwood Falls Comprehensive Plan. Following annexation, the parties agree that the Annexed Property will be zoned, permitted and regulated by the City, exclusively, under the terms and conditions of the City of Redwood Falls Ordinances, as may be amended from time to time.

7. **Tax Rate Step-Up.** Upon annexation, the tax rate for the Annexed Property shall be the same as if it were located within the city limits.

8. **Municipal Tax Reimbursement.** Pursuant to Minnesota Statutes § 414.036, the parties agree that the Township shall be reimbursed for lost property taxes for the Annexed Property at the rate and scheduled set forth in this paragraph. The City shall reimburse the Township based on the rate and classification of property taxes collected by the Township for the Annexed Property in 2011. Said reimbursement shall be paid by the City to the Township in accordance with the following schedule:

First Year	(taxes payable 2012)	100%
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Second Year	(taxes payable 2013)	80%
Third Year	(taxes payable 2014)	60%
Fourth Year	(taxes payable 2015)	40%
Fifth Year	(taxes payable 2016)	20%
Thereafter	(payable 2017 and thereafter)	0%

Said amounts may be paid annually by the City to the Township, or, at the City's option, by lump sum payment at any time after this annexation is complete. There are no special assessments, deferred taxes, or other debt attributable to the Annexed Property requiring any adjustments.

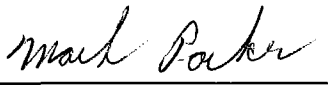
**9. Review and Comment.** That the City and Township agree that upon receipt of this resolution, passed and adopted by each party, the Chief Administrative Law Judge may review and comment, but shall within thirty (30) days, order the annexation in accordance with the terms of the resolution.

[remainder of page intentionally blank]

Adopted by affirmative vote of all the members of the Paxton Township Board of Supervisors this 14<sup>th</sup> day of November, 2011.

**PAXTON TOWNSHIP**

ATTEST:

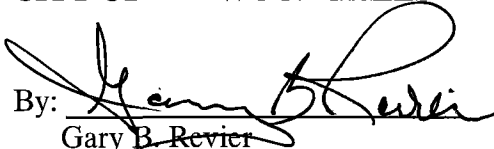
By:   
Chairperson  
Board of Supervisor

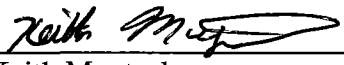
By:   
Township Clerk

Adopted by affirmative vote of the City Council of the City of Redwood Falls, this 18th day of October, 2011.

**CITY OF REDWOOD FALLS**

ATTEST:

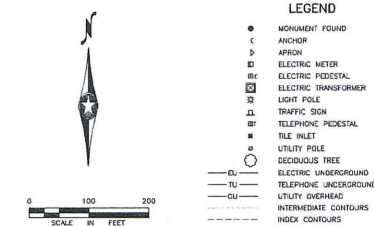
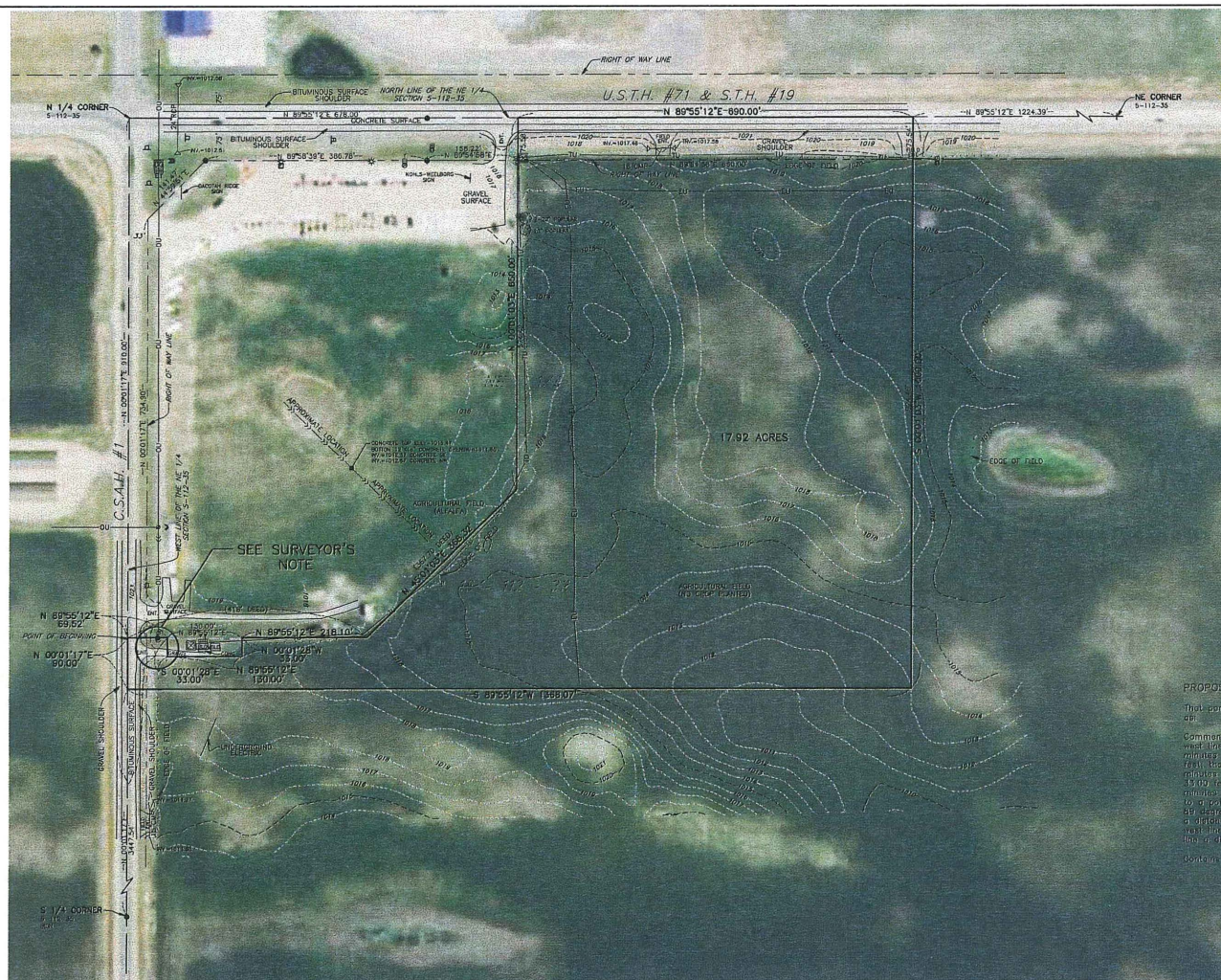
By:   
Gary B. Revier  
Mayor

By:   
Keith Muetzel  
City Administrator



REC'D BY  
MBA

NOV 17 2011



HORIZONTAL DATUM  
REDWOOD COUNTY M.D. 83 (1994)  
VERTICAL DATUM  
NAD 83

#### SURVEYOR'S NOTE:

Per William Robenberg, Redwood County Engineer, the right-of-way of County State Aid Highway No. 1 is 33' either side of centerline. Bolton & Menk, Inc. has not been provided other documentation to show the right-of-way to be a different width. At either 33.00 feet or 50.00 feet from centerline, Bolton & Menk, Inc. has not been provided documentation to show access to the adjacent parcel.

#### PROPOSED LEGAL DESCRIPTION

That part of the Northeast Quarter of Section 5, Township 112 North, Range 35 West, Redwood County Minnesota described as:

Commencing at the North Quarter Corner of Section 5; thence South 00 degrees 01 minutes 17 seconds East along the west line of the Northeast Quarter a distance of 910.00 feet to the point of beginning; thence North 89 degrees 55 minutes 12 seconds East on a line parallel to the north line of the Northeast Quarter of Section 5 a distance of 69.52 feet; thence South 00 degrees 01 minutes 28 seconds East a distance of 33.00 feet; thence North 89 degrees 55 minutes 12 seconds East a distance of 130.00 feet; thence North 00 degrees 01 minutes 28 seconds West a distance of 130.00 feet; thence North 89 degrees 55 minutes 12 seconds East a distance of 218.10 feet; thence North 45 degrees 01 minutes 09 seconds East 358.32 feet; thence North 00 degrees 01 minutes 03 seconds East a distance of 650.00 feet to a point on the north line of Section 5 being 678.00 feet east of the North Quarter corner of Section 5; thence North 89 degrees 55 minutes 12 seconds East a distance of 690.00 feet; then South 00 degrees 01 minutes 03 seconds West a distance of 1000.00 feet; thence South 89 degrees 55 minutes 12 seconds West a distance of 1358.07 feet to the north line of the Northeast Quarter of Section 5; thence North 00 degrees 01 minutes 17 seconds East along said west line a distance of 90.00 feet to the point of beginning.

Containing 17.92 Acres of land

Underground utility lines and structures are shown in an approximate way only, according to information provided by others. A request that utilities be located for this survey was made through Gopher State One Call (Ticket No. 112360825). The underground utility lines and structures shown on this map represent the information provided to Bolton & Menk, Inc. as a result of that request. The surveyor does not guarantee that the information provided was either complete or accurate. The surveyor does not guarantee that there are no other underground utility lines and structures, active or abandoned, on or adjacent to the subject property.

#### SURVEYOR'S CERTIFICATION

I hereby certify that this survey was prepared by me or under my direct supervision and that I am a duly licensed land surveyor under the laws of the State of Minnesota.

*Robert W. Bolton*  
Robert W. Bolton  
License Number 17387

9-7-11  
Date

<b>CERTIFICATE OF SURVEY</b> REDWOOD COUNTY, MINNESOTA <b>BOLTON &amp; MENK, INC.</b> Consulting Engineers & Surveyors 140 FIRST AVENUE NORTH, SLEEPY EYE, MN 56085 (507) 794-5541 MANKATO, MN FAIRMONT, MN SLEEPY EYE, MN BURNSVILLE, MN WILLMAR, MN CHASKA, MN RAMSEY, MN JAMES, IA		PART OF THE NE 1/4 SECTION 5-112-35 PAXTON TOWNSHIP REDWOOD COUNTY, MINNESOTA FOR: CL CONSTRUCTION TITAN MACHINERY SITE
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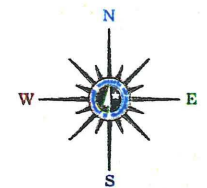


# MUNICIPALITY OF REDWOOD FALLS

PREPARED BY THE  
MINNESOTA DEPARTMENT OF TRANSPORTATION  
OFFICE OF TRANSPORTATION DATA & ANALYSIS  
IN COOPERATION WITH  
U.S. DEPARTMENT OF TRANSPORTATION  
FEDERAL HIGHWAY ADMINISTRATION

SCALE  
1600 0 1600 3200 FEET  
500 0 500 1000 METERS

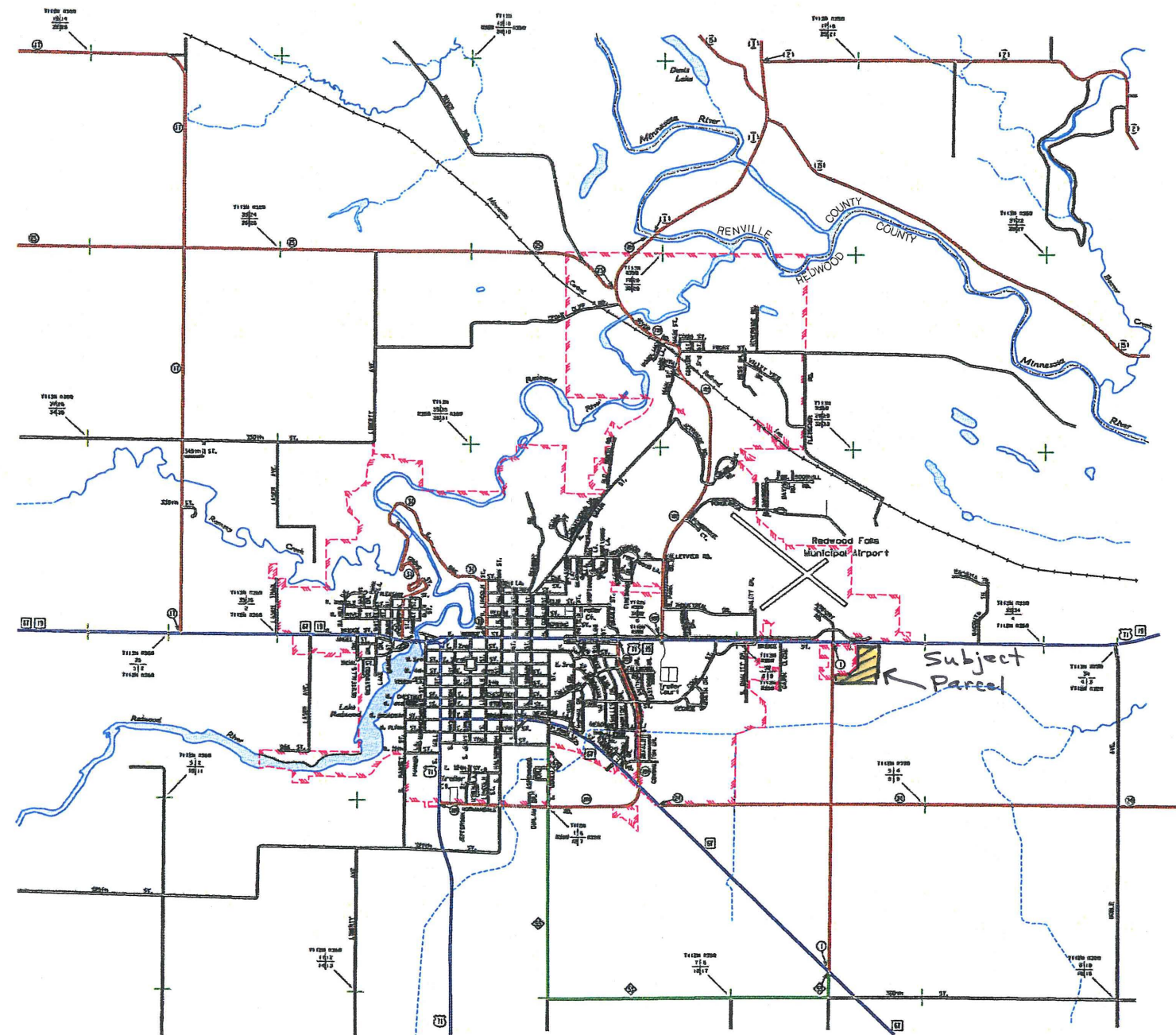
2010  
BASIC DATA - 2009



## LEGEND

- INTERSTATE TRUNK HIGHWAY.....
- U.S. TRUNK HIGHWAY.....
- STATE TRUNK HIGHWAY.....
- COUNTY STATE AID HIGHWAY.....
- COUNTY ROAD.....
- CORPORATE LIMITS.....
- PUBLIC ROAD.....
- PRIVATE ROAD.....

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2000 U.S. CENSUS - POP. 5,469

REDWOOD FALLS (REDWOOD COUNTY & RENVILLE COUNTY)